

### HOUMA COURTHOUSE PRACTICE RULE

IT IS ORDERED that the attached Houma Courthouse Practice Rule is effective immediately, except that the provisions for staffing and filing of documents shall be effective at such time as the security officer positions previously allocated for the courthouse are reinstated.

ADOPTED: April 18, 2002, New Orleans, Louisiana.

## **AMENDED HOUMA PRACTICE RULE**

### **O R D E R**

Having reviewed and considered the previous practice adopted by the Court concerning cases designated for trial at the George Arceneaux, Jr. United States Courthouse in Houma, Louisiana, under the Court's order of December 1, 1993, the Court at its en banc meeting held April 17, 2002 has determined that the Houma practice rule should be amended. Accordingly,

IT IS ORDERED that the Court's order of December 1, 1993 concerning cases designated to be tried in the Houma courthouse is VACATED.

IT IS FURTHER ORDERED that the George Arceneaux, Jr. United States Courthouse in Houma, Louisiana, will be employed as a place for holding court in the Eastern District of Louisiana as follows:

The Court en banc will designate from time to time in its discretion a Magistrate Judge of this Court to act as Houma Administrative Magistrate Judge.

The Court will establish a docket of civil cases which shall be identified and marked as "the Houma Civil Docket." The Houma Civil Docket will be composed as follows: Upon filing of every complaint or petition for removal (or as soon thereafter as practicable), the Clerk of Court, with the advice and review of particular complaints or petitions by the Houma Administrative Magistrate Judge, as appropriate, will designate and assign the following cases to the Houma Civil Docket: (a) All cases in which the plaintiff or defendant listed in Category I(a) and (b) of the Civil Cover Sheet is a resident of Lafourche, Terrebonne, St. John, St. James, Assumption or St. Charles Parishes; (b) All cases removed

to this Court from, and all habeas corpus petitions challenging convictions in, the Louisiana state courts for the 17<sup>th</sup> (Lafourche), 23<sup>rd</sup> (Assumption and St. James), 40<sup>th</sup> (St. John), 32<sup>nd</sup> (Terrebonne), and 29<sup>th</sup> (St. Charles) Judicial Districts; (c) All cases in which it appears from the content of the complaint that a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, in Lafourche, Terrebonne, St. John, St. James, Assumption or St. Charles Parishes; (d) All cases designated as Houma cases in the initial complaint.

The Clerk of Court and the Houma Administrative Magistrate Judge shall immediately commence to designate pending cases to the Houma Civil Docket pursuant to the foregoing standards established in this order.

Upon motion of any party, or by the presiding Judge acting sua sponte after giving notice and an opportunity to be heard to all parties, any case not designated by the Clerk of Court for assignment to the Houma Civil Docket may be designated by order of the Court to be included on the Houma Civil Docket, upon considering all relevant factors, including those generally applicable to determinations under 28 U.S.C. § 1404.

Conversely, upon motion of any party, or by the presiding Judge acting sua sponte after giving notice and an opportunity to be heard to all parties, any case designated by the Clerk of Court for assignment to the Houma Civil Docket may be re-designated by order of the Court for reassignment to the Court's general docket, upon considering all relevant factors, including those generally applicable to determinations under 28 U.S.C. § 1404.

All cases assigned to the Houma Civil Docket will be allotted randomly among the District Judges and Magistrate Judges of the Court in accordance with current practice.

In all cases assigned to the Houma Civil Docket, trial (whether conducted by the District Judge or the Magistrate Judge, but excluding jury selection) and all in-person courtroom proceedings and conferences conducted by a Magistrate Judge (including but not limited to settlement conferences) will be conducted in the Houma Courthouse. The Chief Judge of the Court may in her discretion, establish a schedule or rotation by which one or more Magistrate Judges of the Court may be assigned periodically to conduct all in-person courtroom proceedings and conferences conducted by a Magistrate Judge (including but not limited to settlement conferences) in the Houma Courthouse for designated time periods.

Petit juries for cases assigned to the Houma Civil Docket shall be drawn district-wide in accordance with current jury pooling practice and the presiding Judge may determine to select petit juries at New Orleans for the trial of cases in Houma, with jurors selected to serve instructed to appear in Houma for commencement of trial on the following day.

Dockets and calendars will be maintained in accordance with current practice, except that the Clerk of Court will maintain a master list of cases assigned to the Houma Civil Docket and a master calendar of all trials and other proceedings scheduled to be conducted in the Houma Courthouse.

The Houma Courthouse will be staffed daily by one or more deputy clerks of court, as the Clerk of Court deems appropriate. All complaints, petitions for removal and other initial filings in cases in which the filing party anticipates that the case will be designated for the Houma Civil Docket, and all papers filed thereafter in cases designated for the Houma Civil Docket, may be filed either in the Houma Courthouse or in the Office of the Clerk of Court in New Orleans, with the deputy clerk in Houma forwarding all such materials to New Orleans for maintenance of the record.

The presiding Judge shall, consistent with security requirements, determine the staff complement required for trials or other proceedings conducted at Houma, upon considering all relevant cost, transportation and personnel factors.

Except insofar as the terms District Judge and Magistrate Judge have been specifically employed above, the term Judge as used herein shall, where appropriate, include Magistrate Judge.

Criminal trials and bankruptcy proceedings shall not be conducted at Houma.

SO ORDERED this 18<sup>TH</sup> day of April, 2002.

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HELEN G. BERRIGAN, CHIEF JUDGE  
UNITED STATES DISTRICT COURT